

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

EMPLOYERS MUTUAL CASUALTY	)	
COMPANY, an insurance company	)	
incorporated in the State of Iowa;	)	
	)	CIVIL ACTION NUMBER
Plaintiff,	)	
	)	CV 2:07 CV 322-WHA
V.	)	
	)	
SUMMERLIN CONSTRUCTION CO.,	)	
INC., STERLING HUDSON and	)	
CHERI HUDSON.	)	
	)	
Defendants.	)	

**STATUS REPORT**

Plaintiff, Employers Mutual Casualty Company (“EMCC”)<sup>1</sup>, by and through its undersigned counsel, hereby reports the following status to the Court:

1. This action is a declaratory judgment action wherein EMCC is seeking a determination of rights regarding Commercial General Liability Policy Number 2D0-78-03-06 issued to Defendant Summerlin Construction Company, Inc. arising out of an action in the Circuit Court of Montgomery County, styled, Sterling and Cheri Hudson v. Summerlin Construction, et al, docket number CV 06-3225

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<sup>1</sup> The Parties are unable to file a joint status report, as required in the Court’s May 24, 2007 Order, as counsel for Summerlin Construction is out of the office due to an illness and he is unable to review this report prior to its filing deadline.

(“the underlying action”).

2. The underlying action was dismissed without prejudice due to an arbitration agreement.
3. The claim giving rise to the underlying action is still active.
4. Counsel for EMCC has been informed that Sterling and Cheri Hudson, the plaintiffs in the previous underlying action, and Summerlin Construction have agreed to a settlement of this claim.
5. Counsel for EMCC has been informed that efforts are underway to conclude and effectuate the settlement of the underlying matter.
6. EMCC is requesting that the Court continue the Stay in this action and the suspension of any and all deadlines for 60 days for finalization of the settlement documents and mortgage approval.
7. If the Court so desires, EMCC will provide periodic status reports to the Court regarding the status of the settlement documents.

Wherefore EMCC requests this Honorable Court continue the Stay of this action and the suspension of any and all deadlines for 60 days.

/s/Cynthia A. Martin ASB-2044-i49c  
One of the Attorneys for Plaintiff Employers  
Mutual Casualty Company

OF COUNSEL:

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**CERTIFICATE OF SERVICE**

I do hereby certify that on November 26, 2007, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following:

Donald R. Jones, Jr., P.C.  
2000 Interstate Park Drive  
Suite 104  
Montgomery, Alabama 36109

/s/Cynthia A. Martin ASB-2044-i49c